

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	
KABONI SAVAGE	:	NO. 07-550 - 03

**ORDER**

**AND NOW**, this 31<sup>st</sup> day of January, 2013, upon consideration of the Government's Motion *in Limine* to Admit Statement of Tybius Flowers Made to the Philadelphia Police Department (ECF No. 796), and Defendant Kaboni Savage's Motion *in Limine* for Pretrial Evidentiary Hearing as to Admissibility of Evidence Pursuant to Fed. R. Evid. 804(b)(6) (ECF No. 812), and all documents submitted in support thereof and in opposition thereto, it is

**ORDERED** as follows:

1. The Government's Motion *in Limine* is **GRANTED**.
2. The Government will be permitted to conditionally admit at trial the statement of Tybius Flowers made to the Philadelphia Police Department identifying Defendant as the killer of Kenneth Lassiter, subject to the Government offering sufficient proof by a preponderance of the evidence that Defendant wrongfully intended to, and did, procure Flowers's unavailability pursuant to Rule 804(b)(6).

3. Defendant's Motion *in Limine* is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/R. Barclay Surrick  
**U.S. District Judge**